

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

21-CR-6041(EAW)

-v-

THOMAS NARY,

Defendant.

AMENDED FINAL ORDER OF FORFEITURE

WHEREAS, on January 11, 2023, this Court entered a Final Order of Forfeiture against:

CURRENCY:

- a. \$9,609.04 Seized from Account "AZ Wholesale USA" held by Amazon.com, Inc.

MONETARY JUDGMENT:

- a. The sum of United States currency that equals 50% of the total loss amount that will be ordered by the Court. This sum it is to be evidenced by a judgment issued by this Court against the defendant at the time of sentencing. The defendant agrees pursuant to Federal Rule of Criminal Procedure 32.2 (C) that because the amount of the money judgment cannot be calculated prior to sentencing, a General Preliminary and Final Forfeiture Order will be entered that describes the money judgment in general terms; and states that the order will be amended under Federal Rule of Criminal Procedure 32.2(e)(1) when the amount of the money judgment has been calculated at the time of sentencing. The defendant agrees that after sentencing, the government will submit an Amended Order to Court for 50% of the total loss amount determined by the Court at sentencing pursuant Federal Rule of Criminal Procedure 32.2(e)(1)(A) and the defendant will consent to the Amended Order and the amount of the money judgment.

In accordance with the Final Order of Forfeiture entered on January 11, 2023, this

Amended Final Order of Forfeiture is being submitted for a money judgment that represents 50% of the total loss determined by the Court at sentencing, which was \$3,128,363.00, total and is included in the Judgment in the Criminal Case (docket # 21-CR-6041, ECF No. 106), pursuant to Federal Rule of Criminal Procedure 32.2(b)(2) and Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c);

AND WHEREAS, for the 30 day period between September 16, 2021 and October 15, 2021, the United States published on an official government forfeiture website, namely www.forfeiture.gov, notice of this forfeiture and the intent of the United States to dispose of the property in accordance with the law and further notifying all third parties of their right to petition the Court within sixty (60) days of the first date of publication for a hearing to adjudicate the validity of their alleged legal interest in the property;

AND WHEREAS, the sixty-day period to file a claim expired on November 15, 2021, and no persons have filed a petition with the Court seeking a hearing to adjudicate the validity of their interests in the property;

NOW THEREFORE pursuant to Federal Rule of Criminal Procedure 32.2(c)(2) and Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c) and the incorporated procedures of Title 21, United States Code, Section 853;

IT IS HEREBY ORDERED, ADJUDGED and DECREED, that all right, title, and interest in:

CURRENCY:

- a. \$9,609.04 Seized from Account "AZ Wholesale USA" held by Amazon.com, Inc.

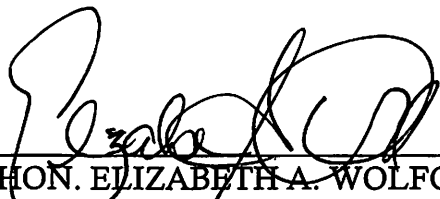
MONETARY JUDGMENT:

- a. The sum of \$3,128,363.00 United States currency, which equals 50% of the total loss amount ordered by the Court and is included in the Judgment in the Criminal Case (docket # 21-CR-6041, ECF No. 106).

is hereby forever removed, discharged, condemned, and forfeited to the United States of America.

IT IS FURTHER ORDERED, ADJUDGED and DECREED, that the United States Department of Treasury and/or any other duly authorized federal agency shall dispose of the forfeited property according to law.

Dated: January 23, 2023
Rochester, New York.



HON. ELIZABETH A. WOLFORD
CHIEF JUDGE
UNITED STATES DISTRICT COURT